



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

shall, when admitted by such Office, be deemed sufficient by the Offices reassured with; and the sums guaranteed by the latter severally, shall become payable when and as the sum assured with the principal Office shall become payable.

9. Any question arising under a case of guaranty shall be referred to three principal officers of Life Assurance Companies; one to be selected by each Office interested, and the third by the two thus selected; and the decision of the majority of the three shall in all cases be final.

*Annual Premiums per Cent. for Reassurance of Risks without Participation.*

Age next Birthday.	Rate per Cent.	Age next Birthday.	Rate per Cent.	Age next Birthday.	Payments.
£. s. d.		£. s. d.		£. s. d.	
15	1 12 1	33	2 8 1	50	4 5 1
16	1 12 8	34	2 9 5	51	4 8 7
17	1 13 3	35	2 10 11	52	4 12 3
18	1 13 11	36	2 12 4	53	4 16 1
19	1 14 7	37	2 13 11	54	5 0 3
20	1 15 4	38	2 15 7	55	5 4 8
21	1 16 1	39	2 17 4	56	5 9 4
22	1 16 10	40	2 19 2	57	5 14 4
23	1 17 8	41	3 1 1	58	5 19 7
24	1 18 6	42	3 3 2	59	6 5 2
25	1 19 4	43	3 5 5	60	6 11 1
26	2 0 3	44	3 7 9	61	6 17 6
27	2 1 3	45	3 10 3	62	7 4 3
28	2 2 3	46	3 12 11	63	7 11 6
29	2 3 4	47	3 15 8	64	7 19 2
30	2 4 5	48	3 18 7	65	8 7 4
31	2 5 7	49	4 1 9	66	8 16 1
32	2 6 10				

*The Proposed Legislation for the Regulation of Insurance Companies.*

THE remarkable change which has taken place within the last two or three years in the position and circumstances of these institutions has very much tended to allay the desire, so generally expressed formerly, for legislative interference, with a view to their better regulation. The impression, by which so many well-informed persons seemed to be actuated, that they might be multiplied with advantage almost indefinitely, appears now to have become thoroughly eradicated; and in its place a conviction seems to have arisen that the country cannot support a very large number of these Companies, and that the sooner the existing ones even are reduced in number the better. Be this as it may, we cannot but regard the rational and moderate ideas now prevailing on this subject as a vast improvement on the extravagant

notions heretofore generally entertained with regard to it ; and, if reliance could be placed on the continuance of this better disposition, we think our readers will agree that the necessity for legislative interference has, in a great measure, passed away, and that the Assurance Companies might now be left to pursue their course guided by their own discretion and untrammelled by further restrictions. It is, however, more than probable that all will not coincide in this opinion, and that attempts will again be made to carry some measure for regulating these important institutions ; and we have therefore thought it desirable to call attention to the fact that a Bill introduced by Mr. James Wilson and others, at the close of the Session of 1857, was well considered by the representatives of a great many Companies, was frequently amended at their suggestion, and was, at last, although deferred on account of the lateness of the Session, very generally approved, both by the Government and the Offices. It is the more necessary to bear this in mind, inasmuch as another Bill for the purpose in question was introduced, towards the end of the last Session of Parliament, by Mr. Brinsley Sheridan and Colonel French ; which Bill, although characterized by much ability, could scarcely be looked upon as an improvement of its predecessor, and which, like it, was for a similar reason deferred. It is scarcely practicable, and it would hardly be desirable, to give in this place a copy of the whole Bill as introduced by Mr. Wilson ; but it will, we think, be useful to reprint the clauses of it, and to give verbatim the regulations of Part VI., which are “applicable to all Life Insurance Companies,” and which, although much canvassed and amended at the time the Bill was in progress, may still be considered by some as susceptible of improvement. So many, however, of those most concerned were satisfied with the Bill as a whole, that it would probably pass, if again brought forward, with but little opposition, and it would at least serve, if not productive of much advantage, to prevent the adoption of a measure of a more objectionable character.—ED. *A. M.*

#### ARRANGEMENT OF CLAUSES.

Sect.		Corresponding Sections in Joint-Stock Companies Acts, 1856, 1857.
	Preamble.	
	1. Short title of Act.	
	2. Definition of Proprietary and Mutual Company	
	3. Definition of registrar.	
	4. Prohibition of insurance partnerships exceed-	20 Vict. c. 47, s. 4.
	ing a certain number.	

## PART I.

## EXISTING INSURANCE COMPANIES.

*Registration.*

Sect.	Corresponding Sections in Joint-Stock Companies Acts, 1856, 1857.
5. Compulsory registration of certain Insurance Companies.	
6. Penalty on Company not registering . . .	21 Vict. c. 14, s. 28.
7. Permissive registration of other Insurance Companies.	21 Vict. c. 14, s. 29.
8. Requisitions for registration by existing Proprietary Companies.	20 Vict. c. 47, s. 111.
9. Requisitions for registration by existing Mutual Companies.	
10. Power for existing Company to register amount of stock instead of shares.	21 Vict. c. 14, s. 30.
11. Authentication of statements of existing Companies.	20 Vict. c. 47, s. 112.
12. Certificate of registration of existing Companies	20 Vict. c. 47, s. 113.
13. Certificate to be evidence of compliance with Act.	20 Vict. c. 47, s. 115.
14. Power of Board of Trade, in certain instances, to modify provisions with respect to existing Companies.	
15. Effect of registration on deeds, &c., of Company.	
16. Provisions of 11 Vict. c. 45, 12 & 13 Vict. c. 108, 7 & 8 Vict. c. 111, and 8 & 9 Vict. c. 98, not to apply to Companies registered under Act.	20 Vict. c. 47, s. 108.
17. Registration under this Act not to affect obligations incurred previously to registration.	
18. Saving of liabilities of persons who were members before registration under Act.	
19. Continuation of existing actions and suits.	
20. Transfer of trust property to Company.	

## PART II.

## CONSTITUTION AND INCORPORATION OF FUTURE INSURANCE COMPANIES.

*Registry.*

21. Company formed by memorandum of association and registration.	20 Vict. c. 47, s. 3.
22. Matters required to be prescribed by memorandum of association of a Proprietary Company.	20 Vict. c. 47, s. 5.
23. Matters required to be prescribed by memorandum of association of Mutual Company.	
24. Prohibition against identity of names in registered Companies.	20 Vict. c. 47, s. 6.

Sect.	Corresponding Sections in Joint-Stock Companies Acts, 1856, 1857.
25. Form of memorandum of association . . .	20 Vict. c. 47, s. 7.
26. Shares to be taken by subscribers of memorandum of association.	20 Vict. c. 47, s. 8.
27. Regulations to be prescribed by articles of association.	20 Vict. c. 47, s. 9.
28. Stamp on memorandum of association and articles of association.	20 Vict. c. 47, s. 11.
29. Registration of memorandum of association and articles of association.	20 Vict. c. 47, s. 12.
30. Effect of registration . . . . .	20 Vict. c. 47, s. 13.
31. Issue of shares by Proprietary Company . .	20 Vict. c. 47, s. 15.

### PART III.

#### REGISTER OF MEMBERS.

32. Register of members of Proprietary Company .	20 Vict. c. 47, s. 16.
33. Annual list of members of Proprietary Company	20 Vict. c. 47, s. 17.
34. Penalty on Proprietary Company not keeping proper register.	20 Vict. c. 47, s. 18.
35. Register of members of Mutual Company.	
36. Penalty on Mutual Company not keeping proper register.	20 Vict. c. 47, s. 18.
37. Notice of trust not entered on register . . .	20 Vict. c. 47, s. 19.
38. Restrictive definition of member . . . . .	20 Vict. c. 47, s. 19.
39. Transfer of shares in Proprietary Company .	20 Vict. c. 47, s. 20.
40. Inspection of register . . . . .	20 Vict. c. 47, s. 23.
41. Power to close register . . . . .	20 Vict. c. 47, s. 24.
42. Remedy for improper entry or omission of entry on register.	20 Vict. c. 47, s. 95.
43. Register to be evidence . . . . .	20 Vict. c. 47, s. 26.
44. Copies of memorandum and articles of association to be given to shareholders.	20 Vict. c. 47, s. 27.

### PART IV.

#### MANAGEMENT AND ADMINISTRATION OF COMPANIES.

##### *General.*

45. Registered office of Company . . . . .	20 Vict. c. 47, s. 28.
46. Notice of situation of registered office . . .	20 Vict. c. 47, s. 29.
47. General meeting of Company . . . . .	20 Vict. c. 47, s. 32.
48. Power of Company to alter regulations by special resolution.	20 Vict. c. 47, s. 33.
49. Definition of special resolution of Proprietary Company.	20 Vict. c. 47, s. 34.
50. Definition of special resolution of Mutual Company.	
51. Registry of special resolution . . . . .	20 Vict. c. 47, s. 35.
52. Copies of special resolutions . . . . .	20 Vict. c. 47, s. 36.

Sect.	Corresponding Sections in Joint-Stock Companies Acts, 1856, 1857.
53. Notice to registrar of increase of capital in Proprietary Company and of number in Mutual Company.	20 Vict. c. 47, s. 37.
54. Prohibition against carrying on business with less than seven members.	20 Vict. c. 47, s. 39.
55. Evidence of proceedings at meetings . . .	20 Vict. c. 17, s. 40.

*Legal Instruments of Company.*

56. Contracts, how made . . . . .	20 Vict. c. 47, s. 41.
-----------------------------------	------------------------

*Deeds.*

57. Execution of deeds abroad . . . . .	20 Vict. c. 47, s. 42.
58. Mortgages according to English law . . .	20 Vict. c. 47, s. 44.
59. Bond and disposition in security according to Scotch law.	20 Vict. c. 47, s. 45.
60. Conveyances according to English law . . .	20 Vict. c. 47, s. 46.
61. Disposition in security according to Scotch law	20 Vict. c. 47, s. 47.

*Examination of Affairs of Company.*

62. Examination of affairs of Company by in- spectors appointed by the Board of Trade.	20 Vict. c. 47, s. 48.
63. Power of inspectors . . . . .	20 Vict. c. 47, s. 49.
64. Result of examination, how dealt with . .	20 Vict. c. 47, s. 50.
65. Power of Company to appoint inspectors . .	20 Vict. c. 47, s. 51.
66. Report of inspectors to be evidence . . .	20 Vict. c. 47, s. 52.

*Legal Proceedings.*

67. Recovery of penalties . . . . .	20 Vict. c. 47, s. 56.
68. Application of penalties . . . . .	20 Vict. c. 47, s. 57.

*Alteration of Forms.*

69. Board of Trade may alter forms in schedule .	20 Vict. c. 47, s. 58.
--	------------------------

PART V.

WINDING-UP.

*Preliminary.*

70. Application of Part V. of Act . . . . .	20 Vict. c. 47, s. 59.
71. Definition of "the Court" . . . . .	20 Vict. c. 47, s. 60.
72. Liabilities of members of Company to general creditor.	20 Vict. c. 47, s. 61.
73. Liabilities of members of Company between themselves.	
74. Proviso for special contract . . . . .	20 Vict. c. 47, s. 66.
75. Commencement of winding-up of Company defined.	20 Vict. c. 47, s. 64.
76. Definition of "Contributory," and legal cha- racter of his liability.	20 Vict. c. 47, s. 65.

*Winding-up by Court.*

Sect.	Corresponding Sections in Joint-Stock Companies Acts, 1856, 1857.
77. Circumstances under which Company may be wound up by Court.	20 Vict. c. 47, s. 67.
78. Company when deemed unable to pay its debts	20 Vict. c. 47, s. 68.
79. Application for winding-up to be by petition .	20 Vict. c. 47, s. 69.
80. Course to be pursued by Court on petition of a creditor.	20 Vict. c. 47, s. 70.
81. Order for winding-up Company on creditor's petition.	20 Vict. c. 47, s. 71.
82. Course to be pursued by Court on petition of contributory.	20 Vict. c. 47, s. 72.
83. Effect of the order for winding-up Company .	20 Vict. c. 47, s. 73.
84. Power of Court of Chancery to transmit winding-up to Court of Bankruptcy.	20 Vict. c. 47, s. 74.
85. Collection and application of assets . . .	20 Vict. c. 47, s. 75.
86. Fraudulent preference . . . . .	20 Vict. c. 47, s. 76.
87. Power of Court to summon persons suspected of having property of Company.	20 Vict. c. 47, s. 77.
88. Examination of parties by Court . . . .	20 Vict. c. 47, s. 78.
89. Penalty on falsification of books . . . .	20 Vict. c. 47, s. 79.
90. Attachments, sequestrations, and executions within three months of petition to be void.	20 Vict. c. 47, s. 80.
91. Power to arrest member about to abscond, or to remove or conceal any of his property.	21 Vict. c. 14, s. 11.
92. Arrested member may apply to Court for his discharge.	21 Vict. c. 14, s. 12.
93. Calls on contributory to be speciality debts .	21 Vict. c. 14, s. 13.
94. Books of Company to be evidence . . . .	20 Vict. c. 47, s. 81.
95. Power of Court to make calls . . . . .	20 Vict. c. 47, s. 82.
96. Payment of money into the bank . . . . .	20 Vict. c. 47, s. 83.
97. Power of Court to grant injunction or interdict	20 Vict. c. 47, s. 84.
98. Power of Court to stay proceedings . . . .	20 Vict. c. 47, s. 85.
99. Power of Court to adjust rights of contributories.	20 Vict. c. 47, s. 86.
100. Power of Court to order costs . . . . .	20 Vict. c. 14, s. 87.

*Official Liquidators.*

101. Appointment of official liquidators . . .	20 Vict. c. 47, s. 88.
102. Proviso as to appointment of liquidators by Courts.	21 Vict. c. 14, s. 14.
103. Style and duties of official liquidators . .	20 Vict. c. 47, s. 89.
104. Powers of official liquidators . . . . .	20 Vict. c. 47, s. 90.
105. Appointment of solicitor to official liquidators	20 Vict. c. 47, s. 91.
106. Remuneration of official liquidators . . .	20 Vict. c. 47, s. 92.
107. Dissolution of Company . . . . .	20 Vict. c. 47, s. 93.
108. Registrar to make minute of dissolution of Company.	20 Vict. c. 47, s. 94.
109. Power of Lord Chancellor of Great Britain to make rules.	20 Vict. c. 47, s. 95.

Sect.	Corresponding Sections in Joint-Stock Companies Acts, 1856, 1857.
110. Power of Lord Chancellor of Ireland to make rules.	20 Vict. c. 47, s. 96.
111. Power of Court of Session in Scotland to make rules.	20 Vict. c. 47, s. 97.
112. Rules with respect to fees . . . . .	20 Vict. c. 47, s. 100.

*Voluntary Winding-up of Company.*

113. Circumstances under which Company may be wound up voluntarily.	20 Vict. c. 47, s. 102.
114. Notice of resolution to wind up voluntarily .	20 Vict. c. 47, s. 103.
115. Consequences of voluntary winding-up .	20 Vict. c. 47, s. 104.
116. Saving of rights of creditors . . . . .	20 Vict. c. 47, s. 105.
117. Power for liquidators to accept shares, &c., as a consideration for sale of property of Company.	21 Vict. c. 14, s. 17.
118. Power of liquidators to call general meeting	21 Vict. c. 14, s. 18.
119. Power of Court to adopt proceedings of voluntary winding-up.	21 Vict. c. 14, s. 19.
120. Penalty on liquidators not reporting dissolution of Company to registrar.	21 Vict. c. 14, s. 20.
121. Remedy for liquidators having in their hands undistributed assets of the Company.	21 Vict. c. 14, s. 21.

PART VI.

REGULATIONS APPLICABLE TO ALL LIFE INSURANCE COMPANIES.

CXXII. Every existing or future Company, whether registered or not under this Act, carrying on the business of insurance on human lives, shall, at such periods as are hereinafter mentioned, render an account, specifying the following matters (that is to say)—

- (1) A table of annual premiums used by the Company on granting assurances during the period over which the account extends for the whole term of life, distinguishing assurances with profits from assurances without profits, and including the rates at all ages for which the same are published:
- (2) The gross amount of all sums assured on lives for the whole term of life in existence on the day when the account is closed, distinguishing the gross sum assured on lives according to the ages at the date of account for each decade of life, from the youngest to the oldest ages, commencing at birth, distinguishing for each decade the amounts reassured in other offices:
- (3) The gross amount of annual premiums, distinguishing ordinary and extra premiums, receivable in respect of assurances mentioned under the last head, showing also the amounts payable to other Offices for reinsurance in each decade of life:
- (4) The gross amount of all sums assured for other periods or on other contingencies than expressed in No. 2:
- (5) The gross amount of annual premiums receivable in respect of assurances mentioned under the last head:



- (6) The gross amount of all existing and prospective reversionary additions made to policies, classified as expressed in No. 2:
- (7) The gross amount of annual deduction, permanent or temporary, by way of bonus from premiums classified as expressed under head 2:
- (8) The gross amount, if any, of immediate annuities payable on lives, distinguishing the sums payable on lives in each decade of life, commencing at birth:
- (9) A statement of paid-up capital, in shares or stock, loans to the Company and deposits, and any other classes of liabilities or engagements to which the Company may be subject, specifying their nature and amount, and also the amount of any premiums receivable on account thereof respectively:
- (10) A statement of all the capital possessed by the Company, distinguishing—
  - (a) Amount of cash;
  - (b) The cost amount of all the British or Foreign Government securities held at the date of the account, distinguishing the amount of each stock;
  - (c) The amount advanced on mortgage of freehold, leasehold, or copyhold estates, distinguishing whether in the United Kingdom or elsewhere;
  - (d) The amount invested in any other description of securities, specifying their nature and the amount invested in each class of security:

The account required to be given by this section shall be rendered once at least in every period of five years in the case of a future Company, and once at the least in every period of seven years in the case of a Company existing at the time of the passing of this Act. It shall be signed by the actuary or other principal officer of the Company: Provided, that in the case of a Company carrying on the business of insurance on lives in common with other business, the accounts required to be given by this section shall extend only to liabilities and engagements depending on life, and to the capital available for discharging the same.

CXXIII. The accounts hereby required to be given shall be forthwith sent to the Registrar of Joint-Stock Companies, whose duty it shall be to register the same.

CXXIV. If any Insurance Company makes default in preparing such accounts as aforesaid, the actuary or other principal officer of the Company shall be liable to a penalty not exceeding five pounds for every day during which such default continues; and if any Company makes default in sending copies of such accounts to the registrar, the actuary or other principal officer of the Company shall be liable to any penalty not exceeding five pounds for every day during which such default continues.

---